

REMARKS

In the Office Action,¹ the Examiner rejected claims 1-5, 8-14, 19-21, 24-32, and 35-45 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,587,835 to Treyz et al. (“*Treyz*”) in view of U.S. Patent No. 6,401,085 to Gershman et al. (“*Gershman*”). Applicant respectfully traverses the rejection, because a *prima facie* case of obviousness has not been established.

Independent claim 1 recites an electronic guide information processing system comprising, among other things, “an information processing apparatus . . . erasing the electronic guide information from the portable terminal apparatus at the exit and writing in the portable terminal apparatus information about the information user’s use of the customers attracting facility at the exit.”

As claimed, both “erasing” and “writing” occur “at the exit,” that is, at the same location.

Treys discloses, “[w]hen the user arrives at the store, . . . the user may be alerted to the availability of the local wireless link [(i.e., in range)] or the shopping assistance service . . . [by] display[ing] an icon . . . on the display.” *Treyz*, col. 49, lines 20-34. “The user may invoke the shopping assistance service by selecting a displayed icon.” *Id.*, col. 49, lines 37-38. Although *Treyz* does not explicitly disclose, the Examiner assumes that the icon will be erased when the user is out of range. Office Action at 3.

¹ The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement or characterization in the Office Action.

Treyz further discloses, "handheld computing device 12 may be used to monitor which financial transactions are made." *Treyz*, col. 46, lines 38-39.

Therefore, in *Treyz*, any erasing of an icon occurs when the user is out of range. See *Treyz*, col. 49, lines 19-40. The writing of financial transactions could not occur at the same location as where that erasing occurred because the handheld computing device would be out of range and thus could not communicate wirelessly. Therefore, in *Treyz*, the erasing and the writing cannot occur at the same location. Accordingly, *Treyz* fails to teach or suggest "erasing the electronic guide information from the portable terminal apparatus at the exit and writing in the portable terminal apparatus information about the information user's use of the customers attracting facility at the exit," as recited in claim 1 (emphasis added).

For at least the foregoing reasons, *Treyz* fails to disclose the information processing apparatus of claim 1. *Gershman* fails to cure the deficiencies of *Treyz*, because *Gershman* also fails to disclose or suggest "erasing the electronic guide information from the portable terminal apparatus at the exit and writing in the portable terminal apparatus information about the information user's use of the customers attracting facility at the exit," as recited in claim 1. Therefore, a *prima facie* case of obviousness has not been established with respect to claim 1.

Independent claims 5, 19, 28, and 32, although different in scope from claim 1, distinguish over *Treyz* and *Gershman* for at least the same reasons as claim 1. In addition, dependent claims 2-4, 8-14, 20, 21, 24-27, 29-31, and 35-45 are allowable over *Treyz* and *Gershman* at least by virtue of their dependence from allowable base claims. Accordingly, Applicant respectfully requests the Examiner to reconsider and

withdraw the rejection of claims 1-5, 8-14, 19-21, 24-32, and 35-45 under 35 U.S.C. § 103(a).

In view of the foregoing, Applicant respectfully requests reconsideration of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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